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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/259,991	03/01/1999	CHRIS W. MAHNE	240/218	5948

33356 7590 04/07/2004
SOCAL IP LAW GROUP
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EXAMINER

SMITHERS, MATTHEW

ART UNIT PAPER NUMBER

2137

32

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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Commissioner for Patents

Attached is an acknowledgment of the reply brief and a comment about the Information Disclosure Statement filed July 7, 2003..

Matthew B Smithers
Primary Examiner
Art Unit: 2137

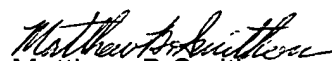
DETAILED ACTION

Acknowledgment of Reply Brief

The reply brief filed February 5, 2004 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Information Disclosure Statement

Regarding appellants comment about the examiner not responding to the request that the Information Disclosure Statement (IDS) filed on July 3, 2003, be considered. First, the examiner respectfully points out that the requirement of 37 CFR 1.97(e) was not met by the appellant (see paper #26, page 15). More specifically, the appellant has failed to state either paragraph (1) or paragraph (2) under the section of 37 CFR 1.97(e). Second, the IDS (paper#23) was filed after the mailing date of the final action (see paper #22) and according to 37 CFR 1.97(c) the IDS shall be considered if it is submitted before the mailing date of a final action, notice of allowability or an action that otherwise closes prosecution in the application. Therefore, the request for consideration was denied.


Matthew B Smithers
Primary Examiner
Art Unit 2137